

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JOSEPH PERRONE,

Petitioner,

v.

**Civil Case No. 14-cv-281-DRH
Criminal Case No. 09-cr-30016-DRH**

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM & ORDER

HERNDON, Chief Judge:

This matter is before the Court on petitioner Joseph Perrone's motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255 (Doc. 1). Perrone pleaded guilty to distribution of controlled substance, *see* 21 U.S.C. § 841(a)(1) and (b)(1)(C), and received a sentence of 240 months' imprisonment on January 15, 2010 (Cr. Doc. 59). Perrone did not appeal his criminal judgment. Perrone filed a § 2255 motion on January 18, 2011. *See Perrone v. United States*, 11-cv-48-DRH. Perrone voluntarily moved to withdraw his § 2255 motion prior to the government's filing of either an answer or motion for summary judgment. The Court acknowledged Perrone's voluntary withdrawal and dismissed his § 2255 petition without prejudice on August 1, 2011 (11-cv-48-DRH, at Doc. 13 (filed under seal)).

Perrone's instant § 2255 petition relies on the Supreme Court's recent holding in *Burrage v. United States*, --- U.S. ----, 134 S. Ct. 881 (Jan. 27, 2014).

Pursuant to Rule 4 of the RULES GOVERNING SECTION 2255 PROCEEDINGS, the Court **ORDERS** the government to file a response to Perrone's motion on or before **March 26, 2014**. By ordering the government to respond, the Court is of course not commenting as to whether Perrone's claims are properly before the Court. The government shall, as part of its response, attach all relevant portions of the record.

IT IS SO ORDERED.

Signed this 26th day of February, 2014.

Digitally signed by
David R. Herndon
Date: 2014.02.26
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Chief Judge
United States District Judge